

LAP13 Rec'd PCT/PTO 12 FEB 2007

**CERTIFICATE OF MAILING UNDER 37 CFR 1.10**

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I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office To Addressee" service with sufficient postage on the date indicated below and is addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date

2/12/07



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|                         |                                    |                         |                                |
|-------------------------|------------------------------------|-------------------------|--------------------------------|
| <b>Inventor(s):</b>     | Burke, et al.                      | <b>Confirmation No:</b> | 1293                           |
| <b>Application No.:</b> | 10/567,635                         | <b>Examiner:</b>        | Unassigned                     |
| <b>Filing Date:</b>     | Aug. 3, 2004                       | <b>Group Art Unit:</b>  | Unassigned                     |
| <b>Title:</b>           | Improved Anthelmintic Formulations | <b>Atty Docket No:</b>  | 085882.000025<br>(257122/0092) |

**TRANSMITTAL LETTER**

Mail Stop PCT  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Enclosed herewith for filing in the above-identified case are:

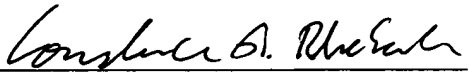
- Response to Notice of Missing Requirements Under 35 U.S.C. 371
- Power of Attorney;
- Declaration and Power of Attorney for Patent Application;
- Assignment;
- Statement of Added Inventor Hepler under 37 CFR 1.497(d)(1);
- Petition Regarding Unavailable and Uncooperative Inventors;
- Petition for Extension of Time (Five-Month);
- Certificate of Mailing under 37 CFR 1.10;
- Copy of Notification of Missing Requirements Under 35 U.S.C. 371; and
- Our return postcard, which we would appreciate your date stamping and returning to us upon receipt.

The record owners, through the enclosed Power of Attorney, have appointed the attorneys named therein as their attorneys. All previous powers of attorney have been revoked. The new attorney docket number is 085882.000025, although the previous attorney docket number will be included on future communications for the convenience of the Office.

The Director is hereby authorized to charge or credit any fees to Bracewell & Giuliani LLP, Deposit Account No. 50-0259 (Order No. 085882.000025).

Respectfully submitted,

Date: February 12, 2007

 *by permission CGB*  
Constance G. Rhebergen, Reg. No. 41,267  
BRACEWELL & GIULIANI LLP  
P.O. Box 61389  
Houston, Texas 77208-1389  
Telephone: (713) 221-3306  
Facsimile: (713) 222-3291  
constance.rhebergen@bgllp.com  
Attorney for Applicants

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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|-------------------------|------------------------------------|-------------------------|--------------------------------|
| <b>Inventor(s):</b>     | Burke, et al.                      | <b>Confirmation No:</b> | 1293                           |
| <b>Application No.:</b> | 10/567,635                         | <b>Examiner:</b>        | Unassigned                     |
| <b>Filing Date:</b>     | Feb. 8, 2006                       | <b>Group Art Unit:</b>  | Unassigned                     |
| <b>Title:</b>           | Improved Anthelmintic Formulations | <b>Atty Docket No:</b>  | 085882.000025<br>(257122/0092) |

**RESPONSE TO NOTICE OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371**

Dear Sir:

Applicants respond herein to the Notice of Missing Requirements under 35 U.S.C. 371 mailed on July 12, 2006, a copy of which is enclosed.

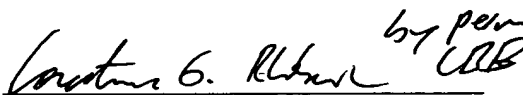
Applicants believe that Michael Burke and Vinay Tripathi should be removed as inventors while Douglas Hepler and Joseph Lockhart should be added. The enclosed Petition describes the status of the investigation at this point and the current unavailability of Michael Burke, Vinay Tripathi, Joseph Lockhart, Ian Cottrell, and Albert Ahn.

Although the investigation is ongoing, Applicants submit the declaration filed in Patent Application Serial No. 10/637,807, upon which the current application depends. Applicants further submit the signed Statement, Declaration, and Assignment of Douglas Hepler. A petition for a five-month extension of time and a power of attorney also are enclosed. Further enclosed is a Second Amended Complaint, previously submitted to the Office, filed in earlier litigation related to the application.

Applicants respectfully request the Office to accept this Response while inventorship on the present application is confirmed. The Director is hereby authorized to charge or credit any fees to Bracewell & Giuliani LLP, Deposit Account No. 50-0259 (Order No. 085882.000025).

Respectfully submitted,

Date: February 12, 2007

 *by permission*  
Constance G. Rhebergen, Reg. No. 41,267  
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Attorney for Applicants

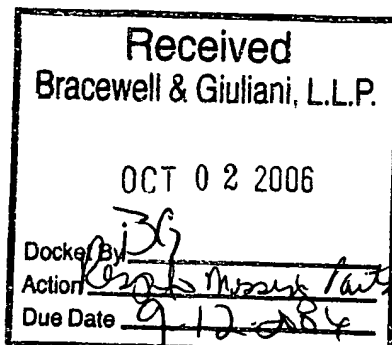


## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
|-----------------------------|-----------------------|------------------|
| 10/567,635                  | Michael P. Burke      | 257122/0092      |

Matthew W Siegal  
 Stroock & Stroock & Lavan  
 180 Maiden Lane  
 New York, NY 10038



INTERNATIONAL APPLICATION NO.

PCT/US04/25005

I.A. FILING DATE

PRIORITY DATE

08/03/2004

08/08/2003

CONFIRMATION NO. 1293

371 FORMALITIES LETTER



\*OC000000019572752\*

Date Mailed: 07/12/2006

Ext 1 - 10-12-2006

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 02/08/2006
- Copy of the International Search Report filed on 02/08/2006
- Oath or Declaration filed on 02/08/2006
- U.S. Basic National Fees filed on 02/08/2006
- Priority Documents filed on 02/08/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

KAREN M WILLIAMS

Telephone: (703) 308-9140 EXT 213

PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/567,635                  | PCT/US04/25005                | 257122/0092      |

FORM PCT/DO/EO/905 (371 Formalities Notice)